



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING  
CITY HALL  
TUESDAY, SEPTEMBER 16, 2014  
6:00 O'CLOCK P.M.**

**I. Meeting Called to Order**

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

**II. Unfinished Business Requiring Council Action**

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2014, AN ORDINANCE REVISING THE SCHEDULE OF NON-RECURRING RATES AND CHARGES FOR WATER AND SEWER SERVICES OF COLUMBUS CITY UTILITIES." Keith Reeves.
- B. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "I-3" (INDUSTRIAL: HEAVY) TO "RM" (RESIDENTIAL: MULTI-FAMILY)." (Gentry Park Rezoning) Jeff Bergman
- C. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2014, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY." (Sandlin-Woods Lancelot Lane Vacation) Jeff Bergman
- D. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2014, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2014." Matt Caldwell and Mark Jones

E. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2014, AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2015." Matt Caldwell

F. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2014, AN ORDINANCE SETTING THE SALARIES OF ELECTED OFFICIALS FOR THE YEAR 2015." Matt Caldwell

### **III. New Business Requiring Council Action**

A. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Rightway Fasteners, Inc.) Clark Greiner

B. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Tallman Equipment Company, Inc.) Clark Greiner

C. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF COLUMBUS, INDIANA, AS AN ECONOMIC DEVELOPMENT TARGET AREA." Carl Malysz

D. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO AMEND SPECIFIC CAPITAL IMPROVEMENT PROJECTS AS THE AMENDED 2014 CAPITAL BUDGET FOR PARKS AND RECREATION." Matt Caldwell and Mark Jones

- E. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION TO AUTHORIZE THE CITY OF COLUMBUS REDEVELOPMENT COMMISSION TO EXPEND FUNDS IN EXCESS OF \$500,000 FOR ENGINEERING AND DESIGN WORK FOR STATE STREET CORRIDOR REVITALIZATION PHASE 1." Mayor Brown
- F. Public Hearing and First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2014, AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR 2015." Matt Caldwell
- G. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO APPROVE THE SALE OF PROPERTY LOCATED AT 7440 SOUTH INTERNATIONAL DRIVE, COLUMBUS." Jeff Logston

#### **IV. Other Business**

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
  - 1.) Additional Appropriation for Aviation Self Fuel
- C. The next regular meeting is scheduled for **Tuesday, October 7, 2014, 6:00 p.m. in City Hall.**
- D. Adjournment

MEMORANDUM

TO: Members of the Common Council  
FROM: Clark Greiner, Community Development  
RE: Tax Abatement Request for Rightway Fasteners, Inc.  
DATE: September 8, 2014

The following tax abatement request will be presented to Council at its Tuesday, September 16, 2014, meeting at 6:00 p.m.:

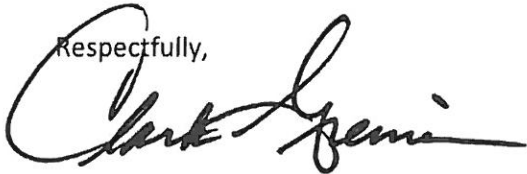
**Rightway Fasteners, Inc.**, is requesting tax abatement (standard schedule) on personal property at its existing plant located at 7945 South International Drive, Columbus, Indiana 47201.

**Rightway Fasteners, Inc.**, provides quality fasteners to the Automotive Industry. They specialize in Cold Forming, Thread Rolling, Heat Treatment, and Surface Treatment of high torque tension bolts, shafts, and pins as well as supplying a variety of specialty screws and other cold-formed parts to the automotive industry. They are planning an investment of \$ in new manufacturing equipment. **Rightway Fasteners, Inc.**, is located in a previously designated Economic Revitalization Area and has a history of tax abatements being granted from the City of Columbus.

As a result of this new equipment expansion, **Rightway Fasteners, Inc.**, will retain 314 jobs, and will add 3 new jobs by April 2015.

Should you have any questions, please contact me at the Community Development Office at (812) 376-2520.

Respectfully,



Clark Greiner  
Business Development & Planning Coordinator  
Community Development  
123 Washington Street  
Columbus, IN 47201  
(812) 376-2520  
[cgreiner@columbus.in.gov](mailto:cgreiner@columbus.in.gov)





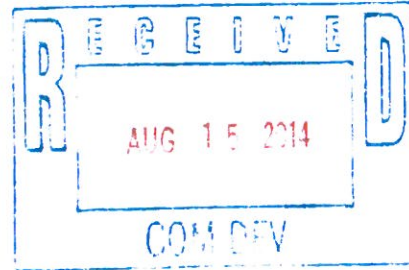
# Rightway Fasteners, Inc.

7945 South International Drive  
Columbus, Indiana 47201

(812) 342-2700 Phone  
(812) 342-2720 Fax

August 14, 2014

The Honorable Kristen Brown  
Office of the Mayor  
City of Columbus  
123 Washington Street  
Columbus, IN 47201



Re: Tax Abatement Request  
Rightway Fasteners, Inc.

Dear Mayor Brown:

Rightway Fasteners, Inc., a manufacturer of specialty fasteners primarily for the automotive industry, is planning the addition of a new Machining Machine, Piercing Machine, and Heat Treatment Furnace to respond to an increase in production volume.

The equipment will cost \_\_\_\_\_ Hundred Thousand dollars (\$ \_\_\_\_\_). The result of this investment would be three (3) jobs added.

We are requesting tax abatement on the purchase and installation of additional equipment.

Rightway Fasteners, Inc., is located in a previously designated economic revitalization area.

Attached are : Application for Tax Abatement, Agreement of Corporation, Statement of Benefits form, and a list of equipment.

We request that you place this item on Council Agenda at the earliest convenient date.  
If you have any questions, please call Tamon Kakuma at 342-2700, ext 222.

Sincerely,

Tamon Kakuma  
Controller

Enclosures

CC : Judy J. Jackson, Community Development Director  
Timothy P. Coriden, City Attorney

## AGREEMENT of COOPERATION

We, the undersigned, agree to participate and cooperate with the City of Columbus, Indiana and/or its designated agencies and the Common Council of the City of Columbus for purposes of an annual review, required by Indiana Law as it relates to economic revitalization area or economic development target area designation and tax abatement issues.

Rightway Fasteners, Inc.

(Company Name)

DATE: 8/14/2014

佐藤 智

Satoshi Furuta, President

Tamon K.

Tamon Kakuma, Secretary  
Controller

SS.

STATE OF  
COUNTY OF

Before me, a Notary Public, in and for said County and State, personally appeared

Satoshi Furuta and Tamon Kakuma, the

President and ~~Secretary~~ Controller respectively of Rightway Fasteners, Inc. who  
acknowledged execution of the foregoing Agreement for and on behalf of

Rightway Fasteners, Inc. and who, having been duly sworn, stated that the  
representations therein contained are true,

Witness my hand and Notarial Seal on this, the 14 day of, August, 20 14

My Commission Expires:

12-21-14

Mary Burgmeier  
Signature: Notary Public

MARY Burgmeier  
(Printed)

County of Residence:

**CITY OF COLUMBUS, INDIANA**  
**APPLICATION FOR TAX ABATEMENT**  
**Within a Previously Designated Economic Revitalization Area**

1. Name of titled landowner.  
Rightway Fasteners, Inc.
2. Name of taxpayer seeking tax abatement.  
Rightway Fasteners, Inc.
3. Has above-named taxpayer previously received tax abatement from the City of Columbus? 5/22/91,10/19/93,8/21/95,7/15/97,2/17/98,6/1/99,4/4/00,12/2/03,1/20/04,7/20/04,8/6/04,10/10/04,5/3/05,4/21/06,11/7/07,4/20/10,4/5/11,4/17/12,6/4/2013,11/19/2013
  - a. If yes, list date(s)
  - b. If company has received tax abatement since July 1, 1991, have CF-i reports been filed annually? YES
  - c. According to current CF-i report(s), is your company in full compliance with your existing abatement(s)? YESIf your answer to the above question is "no", please contact the Department of Community Development at (812) 376-2520 to schedule an appointment with the Columbus Common Council Incentive Review Committee.
4.
  - a. Legal description of titled property (attach if necessary)  
LOT 4F WOODSIDE SOUTH INDUSTRIAL PARK
  - b. Is real property (or location where the new manufacturing equipment or new research and development equipment will be installed) in an economic revitalization area? YES
5. Commonly know address of property.  
7945 South International Dr, Columbus, IN 47201
6. Are all taxes current and paid with regard to said titled property?  
YES
7. Attach completed statement of benefits form. (Exhibit A)
8. Attach executed agreement that applicant will participate and cooperate with the City of Columbus and/or its designated agencies and the Common Council of the City of Columbus, Indiana, for purposes of an annual review, required by State Statute. (Exhibit B)
9. If business organization is publicly held, give name of corporate parent and name under which the corporation is filed with the Securities Exchange Commission.  
N/A
10. What is the current assessed valuation of the real property (before rehabilitation, redevelopment, economic revitalization, or improvement); or the current assessed valuation of the tangible personal property to be replaced by new manufacturing equipment or research and development equipment?

N/A

11. List the real and personal property taxes paid at the location during the previous five (5) years, whether paid by current owner or previous owner.

<u>Year</u>	<u>Real Property</u>	<u>Personal Property</u>
2009	<u>\$176,346</u>	<u>\$166,344</u>
2010	<u>\$262,386</u>	<u>\$199,389</u>
2011	<u>\$278,491</u>	<u>\$201,853</u>
2012	<u>\$250,572</u>	<u>\$168,228</u>
2013	<u>\$257,210</u>	<u>\$146,927</u>

12. Describe the proposed project (rehabilitation, new construction, or installation of new manufacturing equipment or research and development equipment). Include information about physical improvements to be made or the new manufacturing equipment to be installed, an estimate of the cost of the project, the amount of land to be used, the proposed use of the improvements, and a general statement as to the value of the project to the business. SEE ATTACHMENT C

13. Estimate of the number of full and part-time permanent jobs at the location and the impact on those (current) jobs to be caused by the project.  
Three (3) Full Time Jobs

14. Number of current full and part-time permanent jobs at the location and the impact on those (current) jobs to be caused by the project.

Three Hundred Fourteen (314) Full Time Jobs Retained

15. Projected annual salaries for positions to be created. If more than one salary classification, please list the job titles and hourly wage for each. Use attachment if necessary. SEE ATTACHMENT D

16. What is your company's starting hourly wage? \$      Does your company  
provide medical insurance? ☒ Yes    No  
What is dollar value (per hour) of benefit package? \$

17. Has building permit been issued for construction of the real property for the improvement proposed? NO

18. Has new manufacturing equipment or research and development equipment been purchased, leased, or installed? NO

19. List model numbers or attach purchase orders of the new manufacturing equipment or research and development equipment to be purchased (if available). SEE ATTACHMENT E

20. Name, address and telephone number of person to contact regarding notice of Council meetings and meetings concerning the petition.

Name TAMON KAKUMA

Address 7945 South International Dr, Columbus, IN 47201

Telephone number (812)342-2700 EXT 222 Fax number (812)342-2720

I affirm under the penalties of perjury that the above and foregoing information is true and correct.

(Signed) \_\_\_\_\_

*Tamon K.*

(Printed) \_\_\_\_\_

*Tamon Kakuma*

(Title) \_\_\_\_\_

*Controller*

Date \_\_\_\_\_

*8/18/2018*

Taxapp96/ep





# STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R3 / 12-13)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

## PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

### INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION											
Name of taxpayer RIGHTWAY FASTENERS, INC.					Name of contact person TAMON KAKUMA						
Address of taxpayer (number and street, city, state, and ZIP code) 7945 S. INTERNATIONAL DR, COLUMBUS, IN 47201							Telephone number ( 812 ) 342-2700				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT											
Name of designating body COMMON COUNCIL OF THE CITY OF COLUMBUS							Resolution number (s)				
Location of property 7945 S. INTERNATIONAL DR					County BARTHOLOMEW		DLGF taxing district number 03021				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) (1) HEAT TREATMENT FURNACE (1) MACHINING MACHINE (1) PIERCING MACHINE					ESTIMATED						
							START DATE	COMPLETION DATE			
					Manufacturing Equipment		02/01/2015	03/31/2015			
					R & D Equipment						
					Logist Dist Equipment						
					IT Equipment						
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT											
Current number 314		Salaries 12,000,000.00		Number retained 314		Salaries 12,000,000.00		Number additional 3		Salaries 68,640.00	
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT											
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT		
			COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	
Current values											
Plus estimated values of proposed project											
Less values of any property being replaced											
Net estimated values upon completion of project			10	0							
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER											
Estimated solid waste converted (pounds)						Estimated hazardous waste converted (pounds)					
Other benefits:											
SECTION 6 TAXPAYER CERTIFICATION											
I hereby certify that the representations in this statement are true.											
Signature of authorized representative <i>Tamon K.</i>								Date signed (month, day, year) Aug 14, 2014			
Printed name of authorized representative Tamon Kakuma						Title Controller					



**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 10 calendar years \* (*see below*). The date this designation expires is \_\_\_\_\_.

B. The type of deduction that is allowed in the designated area is limited to:

- |  |   |  |
|--|---|--|
| 1. Installation of new manufacturing equipment;            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment.  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. Installation of new information technology equipment;   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

G. Other limitations or conditions (*specify*) \_\_\_\_\_

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- |                                 |                                 |                                 |                                 |   |               |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|---------------|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5             | (see below *) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input checked="" type="checkbox"/> Year 10 |               |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No  
If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: ( <i>signature and title of authorized member of designating body</i> )	Telephone number (      )	Date signed ( <i>month, day, year</i> )
Printed name of authorized member of designating body	Name of designating body	
Attested by: ( <i>signature and title of attester</i> )	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



# Rightway Fasteners, Inc.

7945 South International Drive  
Columbus, Indiana 47201

(812) 342-2700 Phone  
(812) 342-2720 Fax

## ATTACHMENT C

### ATTACHMENT TO FORM SB-1, STATEMENT OF BENEFITS- PLANNED NEW EQUIPMENT PURCHASE

A growing demand for Rightway Fasteners, Inc., products dictates that we invest in new equipment to expand our production capacity. Because of this increasing demand, we propose to add extra Heat Treatment Furnace, Machining Machine, and Piercing Machine with a cost of \$

RFI estimates the additional of 3 full time employees by the end of Mar 2015 as a result of the proposed investment. Annual wages for these 3 positions will be approximately \$ not including overtime.



## FY 2014 RIGHTWAY FASTENERS, INC.

[illegible]

# Tax Abatement Schedule for Rightway Fasteners 2014

Tuesday, September 16, 2014

Personal Property Abatement Schedule for Rightway Fasteners, Inc.

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

RESOLUTION NO. \_\_\_\_, 2014

RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT  
IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA  
PURSUANT TO INDIANA CODE 6-1.1-12.1, *ET. SEQ.*  
AND AUTHORIZING THE MAYOR TO EXECUTE  
THE STATEMENT OF BENEFITS FORM

Rightway Fasteners, Inc.

**WHEREAS**, INDIANA CODE 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the installation of new personal property in an Economic Revitalization Area (ERA); and

**WHEREAS**, the Common Council of the City of Columbus, Indiana, has designated certain real estate within the City of Columbus, Indiana as an Economic Revitalization Area (ERA) as contemplated and defined pursuant to INDIANA CODE 6-1.1-12.1-1, *et. seq.*, by the adoption of Resolution 22-1990 by the Common Council which remains in full force and effect; and

**WHEREAS**, INDIANA CODE 6-1.1-12.1, *et seq.* provides that the Common Council of the City of Columbus, Indiana, approve a Statement of Benefits form associated with an application requesting a tax abatement for personal property in an area previously designated as an ERA; and

**WHEREAS**, Rightway Fasteners, Inc. ("Rightway") filed an Application, Agreement of Cooperation, and a Statement of Benefits form dated August 14, 2014, requesting the approval of a ten (10) year personal property tax deduction pursuant to INDIANA CODE 6-1.1-12.1 *et. seq.*, for the purpose of installing new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment at a facility located at 7945 South International Drive, Columbus, Indiana (said Statement of Benefits form is attached hereto and incorporated herein as **Exhibit A**); and

**WHEREAS**, pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.*, a deduction allowed for the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment:

1. Shall be either five (5) or ten (10) years in an economic revitalization area designated before July 1, 2000; or
2. Shall be determined by the designating body, but the deduction shall not exceed ten (10) years in an economic revitalization area designated after June 30, 2000; and

**WHEREAS**, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional or retained jobs, that such personal property tax abatement be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Columbus, Indiana, after reviewing the Statement of Benefits form and Application submitted by **Rightway** and after hearing the recommendation of the Incentive Review Committee, that:

1. The application of **Rightway** meets the requirements for filing of a tax abatement.
2. The Common Council makes the following findings:
  - a. The estimated cost of the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment is reasonable for this type of project and equipment; and
  - b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and
  - c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and
  - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and
  - e. The totality of benefits is sufficient to justify the deduction.
3. **Rightway's** project represents a major capital investment into the improvement of personal property, and compliments the initiatives of the City of Columbus for economic development.
4. The deduction allowed for personal property pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.* shall be allowed for 10 years;



5. The Mayor of the City of Columbus, Indiana, is hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the Statement of Benefits form attached hereto as **Exhibit A** for purposes of facilitating the personal property tax abatement of **Rightway Fasteners, Inc.**

**ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA**, on this \_\_\_\_ day of September 2014, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer of the  
Common Council

ATTEST:

\_\_\_\_\_  
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this \_\_\_\_ day of September 2014 at \_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Clerk-Treasurer

Approved and signed by me this \_\_\_\_ day of September 2014, at \_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Mayor of the City of  
Columbus, Indiana

MEMORANDUM

TO: Members of the Common Council  
FROM: Clark Greiner, Community Development  
RE: Tax Abatement Request for Tallman Equipment Company, Inc.  
DATE: September 8, 2014

The following tax abatement request will be presented to Council at its Tuesday, September 16, 2014, meeting at 6:00 p.m.:

**Tallman Equipment Company, Inc.**, is requesting tax abatement (standard schedule) on personal property and real property at its proposed facility located at 6440 S. International Drive, Columbus, Indiana 47201.

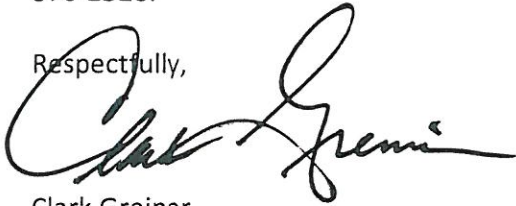
**Tallman Equipment Company, Inc.**, specializes in national sales, distribution, and repair of tools used in the construction and maintenance of electrical transmission and distribution systems. The new facility will enable the company to better support their existing customers and attract new ones. From this location they will provide vital services to repair and rebuild stringing blocks used in the electrical utility industry. Tallman Equipment is planning to invest \$ in real property improvement and \$: in new equipment. The proposed facility is located in a previously designated Economic Revitalization Area. To learn more visit:

<http://www.tallmanequipment.com/>

As a result of this new building and equipment, **Tallman Equipment Company, Inc.**, will create 4 new jobs by December 2015 with an average hourly wage of \$: /hour.

Should you have any questions, please contact me at the Community Development Office at (812) 376-2520.

Respectfully,



Clark Greiner  
Business Development & Planning Coordinator  
Community Development  
123 Washington Street  
Columbus, IN 47201  
(812) 376-2520  
[cgreiner@columbus.in.gov](mailto:cgreiner@columbus.in.gov)

## MEMORANDUM

**TO:** Incentive Review Committee  
**FROM:** Clark Greiner, Community Development  
**RE:** Tuesday, September 16, 2014 IRC Meeting  
Tallman Equipment Company, Inc., Tax Abatement Request  
**DATE:** September 08, 2014

The Incentive Review Committee will meet in the Council Chambers at 5:30 p.m. on Tuesday, September 16, 2014, to review the following requests:

**Tallman Equipment Company, Inc.**, is requesting tax abatement (standard schedule) on personal property and real property at its proposed facility located at 6440 S. International Drive, Columbus, Indiana 47201.

**Tallman Equipment Company, Inc.**, specializes in national sales, distribution, and repair of tools used in the construction and maintenance of electrical transmission and distribution systems. The new facility will enable the company to better support their existing customers and attract new ones. From this location they will provide vital services to repair and rebuild stringing blocks used in the electrical utility industry. Tallman Equipment is planning to invest \$                      in real property improvement and \$                      in new equipment. The proposed facility is located in a previously designated Economic Revitalization Area. To learn more visit: <http://www.tallmanequipment.com/>

As a result of this new building and equipment, **Tallman Equipment Company, Inc.**, will create 4 new jobs by December 2015 with an average hourly wage of \$                      hour.

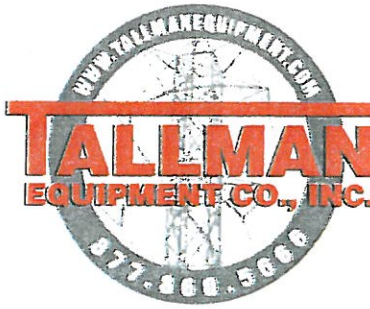
Should you have any questions, please contact me at the Community Development Office at (812) 376-2520.

Thanks,



Clark Greiner  
Business Development & Planning Coordinator  
Community Development  
123 Washington Street  
Columbus, IN 47201  
(812) 376-2520  
[cgreiner@columbus.in.gov](mailto:cgreiner@columbus.in.gov)

cc: Kristen Brown, Mayor  
Jeff Logston, City Attorney  
Carl Malysz, Community Development Director  
Jason Hester, Economic Development Board



August 14, 2014

The Honorable Kristen S. Brown  
Office of the Mayor  
123 Washington Street  
Columbus, IN 47201

RE: Tax Abatement Request for Real and Personal Property  
Land Owner: The Anthony D. Bozell Trust (Real Property)  
Employer: Tallman Equipment Co., Inc., (Personal Property)  
Location: 6440 S. International Drive, Columbus, IN

Dear Mayor Brown:

Tallman Equipment Co., Inc., specializes in the national sale, distribution, and repair of tools used in the construction and maintenance of electrical transmission and distribution systems. The company has opportunity to construct a new facility located at 6440 S. International Drive through a leaseback agreement with The Anthony D. Bozell Trust.

The new construction will include a 37,440 square feet building to accommodate the installation of new logistics equipment, with a portion of the facility also dedicated to the rebuilding and repair of stringing blocks used in the electric utility industry. Our plans include the investment of \$            in real property investment and \$            in new equipment.

As a result of this new facility, 4 jobs will be added by [12/2015] with an expected average wage of \$            /hour.

We believe the property to be located in a previously designated Economic Revitalization Area (ERA). With the ERA designation in place, we are requesting a ten-year tax abatement on both the real property (building construction) and the personal property (machinery & equipment).

Attached hereto are the following: (1) Application for Tax Abatement, (2) Agreement of Cooperation, and (3) Statement of Benefits (SB-1 RP & PP) forms, and (4) a list of equipment found in the (SB-1/PP) form.

We request that you place this item on Council Agenda at the earliest convenient date. If you have any questions, please call me at (630) 344-5666.

Sincerely,

Tony Bozell  
President

cc: Mr. Clark Greiner, Business Development & Planning Coordinator  
Mr. Jeff Logston, City Attorney  
Mr. Jason Hester, Executive Director, Columbus Economic Development Board

**SALES & RENTAL OF TOOLS, EQUIPMENT & SUPPLIES**

P.O. Box 704 • Bensenville, IL 60106 • Toll Free 877.860.5666 • Fax 630.860.5669

[www.tallmanequipment.com](http://www.tallmanequipment.com)



## AGREEMENT of COOPERATION

We, the undersigned, agree to participate and cooperate with the City of Columbus, Indiana and/or its designated agencies and the Common Council of the City of Columbus for purposes of an annual review, required by Indiana Law as it relates to economic revitalization area or economic development target area designation and tax abatement issues.

TALLMAN EQUIPMENT CO. INC

(Company Name)

DATE: 8-28-2014

A. D. Borell  
, President

Garry N. Merrinette  
, Secretary

SS:

STATE OF  
COUNTY OF

Before me, a Notary Public, in and for said County and State, personally appeared

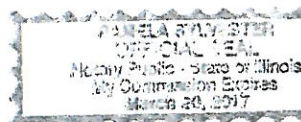
ANTHONY D. BORELL and GARRY N. MERRINETTE, the

President and Secretary respectively of TALLMAN EQUIPMENT CO. INC who  
acknowledged execution of the foregoing Agreement for and on behalf of

and who, having been duly sworn, stated that the  
representations therein contained are true,

Witness my hand and Notarial Seal on this, the 28<sup>th</sup> day of August, 20 14

My Commission Expires:  
March 20, 2017



Pamela Sylvester  
Signature: Notary Public

Pamela Sylvester  
(Printed)

County of Residence: COOK

**CITY OF COLUMBUS, INDIANA**  
**APPLICATION FOR TAX ABATEMENT**  
**Within a Previously Designated Economic Revitalization Area**

1. Name of titled landowner.

The Anthony D. Bozell Trust

2. Name of taxpayer seeking tax abatement.

Anthony D. Bozell (Real Property), Tallman Equipment Co. Inc. (Personal Property)

3. Has above-named taxpayer previously received tax abatement from the City of Columbus (either at this location or elsewhere)?

No

If your answer to the above question is "no", please contact the Department of Community Development at (812) 376-2520 to schedule an appointment with the Columbus Common Council Incentive Review Committee.

4. a. Legal description of titled property (attach if necessary)

Part Lot 3 – Woodside Northwest Major Subdivision Phase 3 (R/291A)

b. Is real property (or location where the new manufacturing equipment or new research and development equipment will be installed) in an economic revitalization area? YES [X] or NO [ ]

5. Commonly known address of property.

6440 S. International Drive Columbus, IN 47201

6. Are all taxes current and paid with regard to said titled property?

Yes

7. Attach completed Statement of Benefits (SB-1 RP and/or PP) form(s). (Exhibit A)

See attached

8. Attach executed Agreement of Cooperation that applicant will participate and cooperate with the City of Columbus and/or its designated agencies and the Common Council of the City of Columbus, Indiana, for purposes of an annual review, required by State Statute. (Exhibit B)

See attached

9. If business organization is publicly held, give name of corporate parent and name under which the corporation is filed with the Securities Exchange Commission.

N/A

10. What is the current assessed valuation of the real property (before rehabilitation, redevelopment, economic revitalization, or improvement); and/or the current assessed valuation of the tangible personal property to be replaced by new manufacturing equipment or research and development equipment?

RP AV: \$6,900 (5.36 acre lot)

RP AV: \$2,400 (1.35 acre lot)

11. List the real and personal property taxes paid at the location during the previous five (5) years, whether paid by current owner or previous owner.

<u>Year</u>	<u>Real Property</u>	<u>Personal Property</u>
2013/2014	\$206.70	\$0

12. Describe the proposed project (rehabilitation, new construction, or installation of new manufacturing equipment or research and development equipment). Include information about physical improvements to be made or the new manufacturing equipment to be installed, an estimate of the cost of the project, the amount of land to be used, the proposed use of the improvements, and a general statement as to the value of the project to the business. (Attach if necessary)

With operations currently in Bensenville, IL and Ogilvie, IN, Tallman Equipment Co. Inc. is looking to expand into the Columbus area. The new construction will be a 37,440 square foot warehouse, with 10,500 dedicated to the repair and rebuild of stringing blocks and office space (a component used in installation of electric utility grids). The remainder of the warehouse will be used for the distribution of the components. New repair/rebuild and logistics equipment will be bought and installed upon completion of facility.

13. Estimate of the number of full and part-time permanent jobs at the location and the impact on those (current) jobs to be caused by the project.

4

14. Number of current full and part-time permanent jobs at the location and the impact on those (current) jobs to be caused by the project.

0

15. Projected annual salaries for positions to be created. If more than one salary classification, please list the job titles and hourly wage for each.

Office/Rentals \$

Repair Tech. \$

Repair Tech. \$

Shipping/Receiving \$

On average employee wages will consist of \$ hr for 2080 hours (\$ ), with additional overtime wages of \$/hr for 520 hours (\$

16. What is your company's starting hourly wage? \$ /hr

Does your company provide medical insurance? Yes

What is dollar value (per hour) of benefit package? ir

17. Has building permit been issued for construction of the real property for the improvement proposed? NO



18. Has new manufacturing equipment or research and development equipment been purchased, leased, or installed?

No

19. List model numbers or attach purchase orders of the new manufacturing equipment or research and development equipment to be purchased (if available).

TBD

20. Name, address and telephone number of person to contact regarding notice of Council meetings and meetings concerning the petition.

Name: Tony Bozell

Address: P.O. Box 704 Bensenville, IL 60106

Phone: 630-344-5666

Fax 630-477-2098

E-mail: tony@tallmanequipment.com

I affirm under the penalties of perjury that the above and foregoing information is true and correct.

(Signed)



(Printed) Anthony Dale Bozell

(Title) Owner, The Anthony D. Bozell Trust  
President, Tallman Equipment Company Inc.

Date 8/20/2014



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R5 / 12-13)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

FORM SB-1 / Real Property

## PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer The Anthony Dale Bozell Trust					
Address of taxpayer (number and street, city, state, and ZIP code) P.O. Box 704 Bensenville IL. 60106/0704					
Name of contact person Tony Bozell		Telephone number ( 630 ) 334-5666		E-mail address tony@tallmanequipment.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City Of Columbus			Resolution number		
Location of property 6440 South International Drive		County Bartholomew		DLGF taxing district number 021	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) New Construction 37,440 sq ft facility ,for disrubution,office and repair/rebuild space			Estimated start date (month, day, year) 03/01/2015		
			Estimated completion date (month, day, year) 12/31/2015		
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values					
Plus estimated values of proposed project					
Less values of any property being replaced					
Net estimated values upon completion of project					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 08/26/2014	
Printed name of authorized representative Anthony Dale Bozell				Title Owner	



**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 10 calendar years\* (*see below*). The date this designation expires is \_\_\_\_\_.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
  2. Residentially distressed areas ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (*specify*) N/A
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (\* see below)  
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  
☒ Yes ☐ No  
 If yes, attach a copy of the abatement schedule to this form.  
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved ( <i>signature and title of authorized member of designating body</i> )	Telephone number (      )	Date signed ( <i>month, day, year</i> )
Printed name of authorized member of designating body	Name of designating body	
Attested by ( <i>signature and title of attester</i> )	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
  - (2) The number of new full-time equivalent jobs created.
  - (3) The average wage of the new employees compared to the state minimum wage.
  - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



# STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R3 / 12-13)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

## PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

## INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION												
Name of taxpayer	Name of contact person													
Tallman Equipment Company Inc.	Tony Bozell													
Address of taxpayer (number and street, city, state, and ZIP code)		Telephone number												
P.O. Box 704 Bensenville IL. 60106-0704		( 630 ) 334-5666												
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT												
Name of designating body		Resolution number (s)												
City of Columbus														
Location of property		County	DLGF taxing district number											
6440 South International Drive		Bartholomew	021											
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Fork Truck Computer system Compressed air system Media blasting cabinet Parts washing system Overhead crane		ESTIMATED												
		START DATE	COMPLETION DATE											
		Manufacturing Equipment	03/01/2015 12/31/2015											
		R & D Equipment												
		Logist Dist Equipment	03/01/2015 12/31/2015											
IT Equipment		03/01/2015 12/31/2015												
SECTION 3				ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT										
Current number	Salaries	Number retained	Salaries	Number additional	Salaries									
				4.00	\$	1 HR. 02								
SECTION 4								ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT						
		COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE					
Current values														
Plus estimated values of proposed project														
Less values of any property being replaced														
Net estimated values upon completion of project														
SECTION 5										WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER				
Estimated solid waste converted (pounds)					Estimated hazardous waste converted (pounds)									
Other benefits:														
SECTION 6										TAXPAYER CERTIFICATION				
I hereby certify that the representations in this statement are true.														
Signature of authorized representative					Date signed (month, day, year)									
					8/26/2014									
Printed name of authorized representative					Title									
Anthony Dale Bozell					President									



**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 10 calendar years \* (see below). The date this designation expires is \_\_\_\_\_.

B. The type of deduction that is allowed in the designated area is limited to:

- |  |   |                             |
|--|---|-----------------------------|
| 1. Installation of new manufacturing equipment;            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment.  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment;   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

G. Other limitations or conditions (specify) \_\_\_\_\_

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- |                                 |                                 |                                 |                                 |   |               |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|---------------|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5             | (see below *) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input checked="" type="checkbox"/> Year 10 |               |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No  
If yes, attach a copy of the abatement schedule to this form.  
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ( )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

## Tax Abatement Schedule for Tallman Equipment Company

Tuesday, September 16, 2014

### Personal Property Abatement Schedule for Tallman Equipment Company

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

### Real Property Tax Abatement for Tallman Equipment Company aka: The Anthony Bozell Trust

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%
11 <sup>th</sup> and thereafter	0%

RESOLUTION NO. \_\_\_\_, 2014

RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT  
IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA  
PURSUANT TO INDIANA CODE 6-1.1-12.1, *ET. SEQ.*  
AND AUTHORIZING THE MAYOR TO EXECUTE  
THE STATEMENT OF BENEFITS FORM

Tallman Equipment Company, Inc.

**WHEREAS**, INDIANA CODE 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the rehabilitation/redevelopment of real property and installation of new personal property in an Economic Revitalization Area (ERA); and

**WHEREAS**, the Common Council of the City of Columbus, Indiana, has designated certain real estate within the City of Columbus, Indiana as an Economic Revitalization Area (ERA) as contemplated and defined pursuant to INDIANA CODE 6-1.1-12.1-1, *et. seq.*, by the adoption of Resolution 12-1984 by the Common Council on December 18, 1984 and as amended by Resolutions 20-1985, 3-1988 and 48-1988, all which remain in full force and effect; and

**WHEREAS**, INDIANA CODE 6-1.1-12.1, *et seq.* provides that the Common Council of the City of Columbus, Indiana, approve a Statement of Benefits form associated with an application requesting a tax abatement for personal and/or real property in an area previously designated as an ERA; and

**WHEREAS**, Tallman Equipment Company, Inc. ("Tallman") filed an Application, Agreement of Cooperation, and a Statement of Benefits form dated August 28, 2014, requesting the approval of a ten (10) year real property tax deduction pursuant to INDIANA CODE 6-1.1-12.1 *et. seq.*, for the purpose of improving real estate within an established ERA located at 6440 South International Drive, Columbus, Indiana (said Statement of Benefits form is attached hereto and incorporated herein as **Exhibit A**); and

**WHEREAS**, Tallman also filed an Application, Agreement of Cooperation, and a Statement of Benefits form dated August 28, 2014, requesting the approval of a ten (10) year personal property tax deduction pursuant to INDIANA CODE 6-1.1-12.1 *et. seq.*, for the purpose of installing new manufacturing equipment including equipment used to dispose of solid waste or hazardous waste, new research and development equipment, new logistical distribution equipment, and information technology equipment at a facility located at 6440 South International Drive, Columbus, Indiana (said Statement of Benefits form is attached hereto and incorporated herein as **Exhibit B**); and

**WHEREAS**, pursuant to INDIANA CODE 6-1.1-12.1- 3 *et. seq.*, a deduction allowed for improvement to real estate:



1. Shall be for a period of not more than five (5) years if the area is a residentially distressed area; or
2. Shall be either three (3), six (6), or ten (10) years in an economic revitalization area designated before July 1, 2000; or
3. Shall be for a period not to exceed ten (10) years in an economic revitalization area designated after June 30, 2000; and

**WHEREAS**, pursuant to INDIANA CODE 6-1.1-12.1- 4.5 *et. seq.*, a deduction allowed for the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment:

1. Shall be either five (5) or ten (10) years in an economic revitalization area designated before July 1, 2000; or
2. Shall be determined by the designating body, but the deduction shall not exceed ten (10) years in an economic revitalization area designated after June 30, 2000; and

**WHEREAS**, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional or retained jobs, that such real and personal property tax abatement be granted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Columbus, Indiana, after reviewing the Statement of Benefit forms submitted by **Tallman** and after hearing the recommendation of the Incentive Review Committee, that:

1. The application of **Tallman** meets the requirements for filing of a tax abatement.
2. The Common Council makes the following findings:
  - a. The estimated value of the proposed redevelopment or rehabilitation to the real estate is reasonable for projects of that nature; and
  - b. The estimated cost of the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment is reasonable for this type of project and equipment; and
  - c. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property and proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and

- d. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property and installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and
  - e. The estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment used to dispose of solid waste or hazardous waste in such a manner; and
  - f. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property and the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and information technology equipment; and
  - g. The totality of benefits is sufficient to justify the deduction.
3. **Tallman's** project represents a major capital investment into the improvement of real estate and personal property, and compliments the initiatives of the City of Columbus for economic development.
4. The deduction allowed for real property pursuant to INDIANA CODE 6-1.1-12.1- 3 and 4 and 17, *et. seq.* shall be allowed for 10 years; pursuant to the Abatement Schedule included with the Statement of Benefits Form attached as **Exhibit C** and;
5. The deduction allowed for personal property pursuant to INDIANA CODE 6-1.1-12.1- 4.5 and 17, *et. seq.* shall be allowed for 10 years; pursuant to the Abatement Schedule included with the Statement of Benefits Form attached as **Exhibit C** and;
6. The Mayor of the City of Columbus, Indiana, is hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the Statement of Benefits forms attached hereto as **Exhibit A and Exhibit B** for purposes of facilitating the real property and personal property tax abatements of the applicant herein.

**ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA**, on this \_\_\_\_ day of  
September 2014, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer of the  
Common Council

ATTEST:

\_\_\_\_\_  
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this \_\_\_\_ day of September 2014  
at \_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Clerk-Treasurer

Approved and signed by me this \_\_\_\_ day of September 2014, at  
\_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Mayor of the City of  
Columbus, Indiana

## MEMORANDUM

**TO:** Incentive Review Committee  
**CC:** Kristen Brown, Mayor; Jeff Logston, City Attorney; and Clark Greiner, Community Development  
**FROM:** Carl Malysz, Community Development Department  
**RE:** Tuesday, September 16, 2014 IRC Meeting  
Kroger Company Tax Abatement Request  
**DATE:** September 08, 2014

In addition to the Rightway Fasteners, Inc., petitions sent to you under separate cover, the Incentive Review Committee (IRC) will meet in the Council Chambers at 5:30 p.m. on Tuesday, September 16, 2014 to review the following additional request:

**Kroger Limited Partnership 1**, requests Real Property Tax Abatement to purchase the former-Hostess Bakery facilities and grounds (Flowers Baking Co of Columbus LLC) located at 3060 National Road and develop a new *Marketplace Store* in a previously designated Economic Revitalization Area (6-1991).

A total of \$                    will be invested in this project: \$                    for acquisition; \$                    for demolition of the current vacant buildings; \$                    in construction of a new 123,000 building and related facilities; and \$                    in new fixtures, equipment and soft costs.

As a result of this project, a significant vacant/abandoned/blighted property on a major commercial corridor in Columbus will be redeveloped. Also, this project will retain 138 existing jobs and 104 additional news jobs will be added for a total of 242 jobs with an average hourly rate of \$13.72 per hour.

This proposed tax abatement request is unusual for several reasons:

1. The request will support the redevelopment of a vacant/abandoned/blighted property for a commercial development.
2. The Indiana Code permits such tax abatements; however; they must be vetted through two additional steps, passage of an Economic Development Target Area (EDTA) Ordinance and review and recommendation by the Columbus Economic Development Commission.
3. An EDTA Ordinance must be adopted by the Common Council prior to acting upon the specific Tax Abatement Resolution request. This ordinance requires two readings for passage. This Ordinance is scheduled for first reading on September 16, 2014.

**(Note: The Tax Abatement Resolution is not included at this time because it must be considered only after an EDTA Ordinance is passed.)**

4. Prior to the consideration of the second reading of the Ordinance, the Common Council must receive a report and recommendation from the Columbus Economic Development Commission regarding the Ordinance and the request. This meeting will be scheduled prior to introduction for the second reading tentatively scheduled for Tuesday, October 7, 2014. The Economic Development must conclude that the tax abatement is necessary to incentivize the project and assure that no more than 15% of the total land area of the City of Columbus contains the EDTA designation. That is the limit the State of Indiana has placed on the use of tax abatement to incentivize commercial development.
5. Currently there are only two other EDTAs that have been approved elsewhere within the City of Columbus and they affect a very tiny portion of the current land mass of Columbus. These include the EDTAs for the Downtown Jackson/Washington/Franklin Street corridor (running roughly from Second Street to Eleventh Street) which was approved in 1994 and the EDTA approved for the parcels located at the southeast corner of Lafayette and Second Streets which was planned as the site for the ill-fated Indoor Recreation facility and established circa 2007.
6. As mentioned in "3." above, the Tax Abatement Application and Resolution is not being introduced or up for consideration by the IRC or the Common Council on September 16<sup>th</sup>. Pending Common Council action on the first reading of the EDTA Ordinance which is scheduled for September 16<sup>th</sup>, the Common Council may consider the Tax Abatement Application and Resolution on Tuesday, October 7, 2014, as is tentatively the plan.

Kroger Company reps and your Community Development Staff will be on hand at the IRC meeting to answer questions that you may have. In the meantime, please contact me if you have any questions at the Community Development Office at (812) 376-2520.

Thank you for your consideration.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,  
INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF COLUMBUS,  
INDIANA, AS AN ECONOMIC DEVELOPMENT TARGET AREA**

**WHEREAS**, the City of Columbus, Indiana (the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of Ind. Code § 6-1.1-12.1-7 is authorized to designate certain areas within the City as economic development target areas; and

**WHEREAS**, the City recognizes the need to stimulate growth and maintain a sound economy within its corporate limits; and

**WHEREAS**, the Common Council of the City of Columbus, Indiana, (the "Common Council") further recognizes that it is in the best interest of the City to provide incentives to stimulate investment within the community; and

**WHEREAS**, the Common Council has been specifically concerned with encouraging private reinvestment in the area of the City commonly known as the former-Hostess Bakery property at 3030 National Road, Columbus, Indiana; and

**WHEREAS**, on September \_\_\_\_\_, 2014, the City of Columbus Economic Development Commission held a public meeting to review the designation of the former-Hostess Bakery facilities and grounds as an economic development target area and has approved and forwarded to the Common Council its favorable recommendation that said property be designated an economic development target area.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF COLUMBUS, INDIANA, THAT:**

Section 1. Findings. The Common Council hereby finds and determines that the former-Hostess Bakery property has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard building, or other factors that have impaired values or prevent a normal development of property or use of property; and, as such, said property should be designated as an Economic Development Target Area, as per Exhibit A, attached.

Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
COLUMBUS, INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

COMMON COUNCIL OF THE  
CITY OF COLUMBUS, INDIANA

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk-Treasurer



Presented to me, the undersigned Clerk-Treasurer of the City of Columbus, Indiana, to the Mayor of said City for his approval on the \_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock, P.M.

\_\_\_\_\_  
Clerk-Treasurer

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of Columbus, Indiana, approve said Ordinance and return same to the Clerk-Treasurer of the City of Columbus, Indiana, this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

EXHIBIT A

EDTA MAP



## MEMORANDUM

**TO:** Incentive Review Committee  
**CC:** Kristen Brown, Mayor; Jeff Logston, City Attorney; and Clark Greiner, Community Development  
**FROM:** Carl Malysz, Community Development Department  
**RE:** Tuesday, September 16, 2014 IRC Meeting at 5:00p.m.  
Kroger Company Tax Abatement Request  
**DATE:** September 08, 2014

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A total of \$                   , will be invested in this project: \$                    or acquisition; \$                    for demolition of the current vacant buildings; \$                    in construction of a new 123,000 building and related facilities; and \$                    in new fixtures, equipment and soft costs.

As a result of this project, a significant vacant/abandoned/blighted property on a major commercial corridor in Columbus will be redeveloped. Also, this project will retain 138 existing jobs and 104 additional news jobs will be added for a total of 242 jobs with an average hourly rate of \$13.72 per hour.

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Kroger Company reps and your Community Development Staff will be on hand at the IRC meeting to answer questions that you may have. In the meantime, please contact me if you have any questions at the Community Development Office at (812) 376-2520.

Thank you for your consideration.



## KROGER FOOD STORES

5960 Castleway West Dr., Indianapolis, Indiana 46250

September 8, 2014

The Honorable Kristen S. Brown  
Office of the Mayor  
123 Washington Street  
Columbus, IN 47201

RE: Kroger Limited Partnership I Request for Tax Abatement and Economic Development Target Area Designation

Dear Mayor Brown:

Kroger Limited Partnership I is planning to purchase the currently vacant manufacturing facility at 3060 N. National Road in Columbus, Indiana, demolish the current structures and construct and operate a 124,000 square foot Kroger Marketplace Store at the site. Plans include an investment of approximately \$ and the creation and retention of approximately 242 jobs. The total payroll at the newly constructed store will be approximately \$ . The retained jobs will be transferred from our current store located across the street at 3110 N. National Road.

We are requesting designation of the property located at 3060 N. National Road an Economic Development Target Area and for tax abatement on the proposed building and improvements. The proposed site is located in a previously designated Economic Revitalization Area. We are requesting a 10-year, 75% tax abatement on real property improvements. The justification for the enhanced abatement request is to help offset the extraordinary demolition costs associated with utilizing a vacant manufacturing facility for our proposed store. These costs are further detailed in our application.

Attached hereto are: Application for Tax Abatement, Agreement of Cooperation, and Statement of Benefits Form (SB-1).

We request that you place this item on the Council Agenda at the earliest convenient date. If you have any questions please call James Gomochak of Incentis Group at 312-421-3482.

Sincerely,

THE KROGER COMPANY  
d/b/a Kroger Limited Partnership I

Mark Salma

Enclosures  
Cc: Clark Greiner, Business Development and Planning Coordinator and  
Jeffrey L. Logston, City Attorney



## AGREEMENT of COOPERATION

We, the undersigned, agree to participate and cooperate with the City of Columbus, Indiana and/or its designated agencies and the Common Council of the City of Columbus for purposes of an annual review, required by Indiana Law as it relates to economic revitalization area or economic development target area designation and tax abatement issues.

Kroger Limited Partnership I

By: KRGP Inc., its general partner

(Company Name)



, President

Rick J. Landrum  
Vice President

, Secretary

DATE: 9/8/14

SS.

STATE OF  
COUNTY OF



Before me, a Notary Public, in and for said County and State, personally appeared

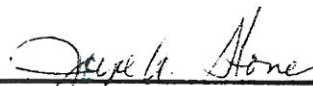
Rick J. Landrum <sup>the</sup> and Vice President <sup>the</sup>

~~President and Secretary~~ respectively of KRGP Inc., general partner of <sup>Kroger Limited Partnership I</sup> who  
acknowledged execution of the foregoing Agreement for and on behalf of KRGP Inc.,  
<sup>general partner of Kroger Limited Partnership I</sup> and who, having been duly sworn, stated that the  
representations therein contained are true,

Witness my hand and Notarial Seal on this, the 8<sup>th</sup> day of, September, 20 14

My Commission Expires:

7/17/14



Signature: Notary Public

County of Residence: HAMILTON



(Printed)

JOYCE A. STONE  
Notary Public, State of Ohio  
My Commission Expires  
July 17, 2016



**City of Columbus, Indiana**  
**Application for Tax Abatement**  
**Within a Previously Designated Economic Revitalization Area**

1. Name of title landowner – **Interstate Brands Corp**
2. Name of taxpayer seeking abatement - **Kroger Limited Partnership I**
3. Has the above named taxpayer previously received abatement from the City of Columbus? - **No**
4.
  - a. Legal description – **Please see Attachment A.**
  - b. Is the real property in an economic revitalization area? - **Yes**
5. Commonly known address of property –  
  
**3060 N. National Road**  
**Columbus, IN 47201**
6. Are all taxes current and paid in regards to said titled property? - **Yes**
7. **Completed Statement of Benefits form – Attached**
8. **Agreement to Cooperate - Attached**
9. **Business organization is publicly held under its corporate parent, The Kroger Co. Filed with the SEC under the name The Kroger Co.**
10. Current assessed value of the real property – **Valuation as of 3/1/2013:**
  - a. **Land – \$345,000**
  - b. **Improvements - \$2,224,500**
11. Real and personal property taxes paid at the address for the last 5 years:
  - a. **2013 –**
    - i. **Real - \$65,846**
    - ii. **Personal - \$6,707**
  - b. **2012**
    - i. **Real - \$67,829**
    - ii. **Personal - \$6,680**
  - c. **2011**
    - i. **Real - \$62,422**
    - ii. **Personal - \$6,509**

**City of Columbus, Indiana**  
**Application for Tax Abatement**  
**Within a Previously Designated Economic Revitalization Area**

- d. 2010
  - i. Real - \$60,498
  - ii. Personal - \$7,452
- e. 2009
  - i. Real - \$57,052
  - ii. Personal - \$47,385

12. Description of project -

- a. **The Kroger Co. is proposing to purchase the vacant Hostess Bakery facility from Flower Foods and construct a new grocery store in Columbus. The new store would be approximately 123,000 square feet under The Marketplace Concept. The store would replace the existing Kroger store just west of the Hostess site.**

**The current project timeline is estimated below:**

- i. Close on Land- Q3 2014
- ii. Begin Demolition- Q3 2014
- iii. Complete Demolition- Q4 2014
- iv. Begin Construction- Q1 2015
- v. E. Operational Date- Q1 2016

b. **Total Project Investment \$**

- |                                  |    |
|----------------------------------|----|
| i. Land and Building Acquisition | \$ |
| ii. Site Preparation/Demolition  | \$ |
| iii. Building Construction       | \$ |
| iv. Fixtures and Equipment       | \$ |
| v. Soft Costs                    | \$ |

**The estimates above include approximately \$                      in demolition costs and \$                      in environmental clean up costs. These are extraordinary costs for a Marketplace Store project.**

- c. Amount of land to be used - **11.5 acres**
- d. Proposed use of the improvements - **Retail Grocery Store**

**City of Columbus, Indiana**  
**Application for Tax Abatement**  
**Within a Previously Designated Economic Revitalization Area**

- e. General statement as to the value of the proposed project to the business – **The new Marketplace Store will generate new job opportunities, new healthy food products, new food and consumer product choices for Kroger's valued customers in the Columbus area.**
  
- 13. Estimated number of full and part time permanent jobs at the location currently and the impact on those jobs – **There are no current jobs at the existing vacant manufacturing facility. Kroger employs approximately 138 associates at its store just to the west of the proposed new location. 57% of these employees are full-time and the average hourly wage is estimated at \$12.02.**
  
- 14. New jobs – **The proposed Marketplace store will employee approximately 242 associates, of which approximately 42% will be full-time. Please see Exhibit B for more detail.**
  
- Other notes on jobs and wages:
  - i. **Store is open 24 hours; approximately 40% of shifts are worked 1<sup>st</sup> shift, 50% 2<sup>nd</sup> shift, and 10% 3<sup>rd</sup> shift.**
  - ii. **Collective bargaining agreement has wage scale from \$7.25-\$13.15 for clerks, based on 0-72 months experience. Department Heads rates are all set at a single rate.**
  
- 15. Projected annual salaries of positions to be created attached. – **Please see Attachment B.**
  
- 16.
  - a. **Company's starting hourly wage – Average starting wage is \$8.10.**
  - b. **Does company provide medical insurance? – Yes. Kroger is a self-insured company and pays all eligible medical claims. Full time associates qualify after 90 days of employment and part time associates qualify after 12 months.**
  - c. **What is the dollar value per hour of benefit package? - Approximately 35% benefit load factor – Average value per hour is estimated at \$3.67 - \$4.15 at the proposed location.**
  
- 17. **The building permit has not been issued for construction of the real property.**

**City of Columbus, Indiana**  
**Application for Tax Abatement**  
**Within a Previously Designated Economic Revitalization Area**

18. N/A

19. N/A

20. Contact Person –

**Rita Williams**  
**1014 Vine St.**  
**Cincinnati, OH 45202**  
**513-762-1425**  
**rita.williams@kroger.com**

## Exhibit B

J-310 Marketplace Store

Job description by Department	FT	PT	Total	AHR
FUEL CENTER/CLERK		4	4	
FUEL CENTER/LEAD CLERK	1		1	
FUEL CENTER/MANAGER	1		1	
<b>Fuel Total</b>	<b>2</b>	<b>4</b>	<b>6</b>	
NUTRITION/LEAD CLERK	1		1	
<b>Natural Foods Total</b>	<b>1</b>	<b></b>	<b>1</b>	
BAKERY/QUAL CAKE DECORATOR	1		1	
DELI/CLERK	16	21	37	
DELI/COFFEE SHOP CLERK		5	5	
DELI/COFFEE SHOP LEAD	1		1	
DELI/DEPARTMENT HEAD	1		1	
DELI/DEPT HEAD-ASST	3		3	
DELI/EXECUTIVE CHEF	1	0	1	
STORE/CHEF	2	3	5	
<b>Delicatessen / Bakery Total</b>	<b>28</b>	<b>25</b>	<b>54</b>	
DRUG/CLERKS	4	16	20	
DRUG-GEN MDSE/DEPARTMENT HEAD	1		1	
QUAL DRUG GM LEAD	1		1	
<b>Drug/GM Total</b>	<b>6</b>	<b>16</b>	<b>22</b>	
FROZEN FOOD/DEPARTMENT MANAGER	1		1	
GROCERY/ASSISTANT MGR-NIGHTS	2		2	
GROCERY/CLERK	14	14	28	
GROCERY/DEPARTMENT HEAD	2		2	
LEAD/SCAN INTEGRITY COORDINATOR	1		1	
DAIRY DEPARTMENT MANAGER	1		1	
HOME LEAD SCAN	1		1	
<b>Grocery Total</b>	<b>22</b>	<b>14</b>	<b>36</b>	
EXPERIENCED/MEAT CLERK	4		4	
MEAT/CLERK	0	11	11	
MEAT/DEPARTMENT HEAD	1		1	
MEAT/DEPT HEAD-ASST	1		1	
<b>Meat / Seafood Total</b>	<b>6</b>	<b>11</b>	<b>17</b>	
FLORAL/LEAD CLERK	1		1	
PRODUCE/CLERK	10	10	20	
PRODUCE/DEPARTMENT HEAD	1		1	
PRODUCE/DEPT HEAD-ASST	2		2	
<b>Produce Total</b>	<b>14</b>	<b>10</b>	<b>24</b>	
FRONT END/BAGGER	5	29	34	
FRONT END/CLERK	18	28	46	
FRONT END/DEPARTMENT HEAD	1		1	
FRONT END/DEPT HEAD-ASST	1		1	
<b>Front End Total</b>	<b>25</b>	<b>57</b>	<b>82</b>	
<b>Approximate Store Total</b>	<b>101</b>	<b>141</b>	<b>242</b>	<b>\$13.72</b>

Department Clerks	212
Department Lead/Assistant Heads	20
Department Heads	10
Store Management	5
<b>Total</b>	<b>242</b>

Department Clerks	196
Department Lead/Assistant Heads	37
Department Heads	7
Store Management	2





# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R5 / 12-13)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

FORM SB-1 / Real Property

## PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer Kroger Limited Partnership I					
Address of taxpayer (number and street, city, state, and ZIP code) 1014 Vine St., Cincinnati, OH 45202					
Name of contact person Rita Williams		Telephone number ( 513 ) 762-1425		E-mail address rita.williams@kroger.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of Columbus, Indiana				Resolution number	
Location of property 3060 N National Road		County Bartholomew		DLGF taxing district number 005	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Purchase of land and building for \$ ; Demolition of current vacant structure and other site improvements for \$ ; Construction of new 123,000 square foot grocery store for \$ and an additional \$ investment in fixtures and equipment and soft costs.				Estimated start date (month, day, year) 9/1/2014 Estimated completion date (month, day, year) 3/1/2016	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 138	Salaries \$2,700,000	Number retained 138	Salaries \$2,700,000	Number additional 104	Salaries \$1,400,000
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		N/A		\$2,224,500	
Plus estimated values of proposed project		\$		TBD	
Less values of any property being replaced		N/A		TBD	
Net estimated values upon completion of project		TBD		TBD	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)		
Other benefits The new Marketplace Store will generate significant new job opportunities, new healthy food products, new food and consumer product choices for Kroger's valued customers in the Columbus area. The project will utilize a currently blighted and vacant manufacturing site.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative By: KRGP Inc. its general partner By: Rick S. Londrum				Date signed (month, day, year) 9/8/14	
Printed name of authorized representative Rick S. Londrum				Title Vice President	





**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 10 calendar years\* (see below). The date this designation expires is \_\_\_\_\_.

B. The type of deduction that is allowed in the designated area is limited to:

1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.

D. Other limitations or conditions (specify) \_\_\_\_\_

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (\* see below)  
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  
☐ Yes ☐ No  
 If yes, attach a copy of the abatement schedule to this form.  
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number (     )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
  - (2) The number of new full-time equivalent jobs created.
  - (3) The average wage of the new employees compared to the state minimum wage.
  - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

## Columbus Housing Improvements Program

### Construction Agreement

**THIS AGREEMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between whose business is located at \_\_\_\_\_ whose business is located at 1000 D XXXXXXXXXXXXXXXX hereinafter referred to as Contractor, John Oquist and Karen S. Oquist hereinafter referred to as Homeowner, whose residence is located at 445 McClure Road Ave., Columbus, IN 47201 and the City of Columbus, herein referred to as City, 123 Washington Street Columbus, IN 47201. Witnessed that Homeowner wishes to have home improvements and other services provided at the address given above and Contractor has agreed to provide such services in compliance with the terms and conditions and for the consideration set forth as follows:

#### 1. Scope of Work

Contractor shall perform all of the work described in the specifications/inspection report or *rehab bid form, attached hereto and incorporated by this reference*. The work shall be performed by Contractor on the property located at 445 McClure Road Ave., Columbus, IN 47201. Contractor shall furnish all of the materials, licenses, permits and any and all other products and services required for the completion of the work under this Agreement.

#### 2. Time of Completion

Contractor shall commence the work under this agreement on or after September 11, 2014 and the work shall be completed on or before September 30, 2014. Time is of the essence. The following shall constitute substantial commencement of work under this Agreement:

#### 3. Agreement Price

The Homeowner shall pay Contractor the sum of \$00000000 (00000000000 and 00/100) dollars for all materials and work provided by Contractor under this Agreement.

#### 4. Payment Terms

The Agreement price shall be paid as work progresses in accordance with the following schedule of payments.

- a. Homeowner shall pay Contractor the sum of \$00000000 (00000000000 and 00/100) dollars upon completion of all scheduled and agreed work. All work is scheduled to be completed on or before September 30, 2014 subject to City's Housing Inspector approval.

#### 5. Change Orders/Modifications to Scope of Work

Any modifications to this Agreement or to the specifications and scope of work detailed in rehab bid form must be agreed to in writing by Contractor, Homeowner and City. Any and all such modifications must clearly set forth the changes being agreed to and how said changes will impact the Agreement price,

any change in Agreement price agreed to in such modification shall be reflected and incorporated into the Agreement price under this Agreement.

**6. Failure by Contractor to Meet Work Progress Deadlines and Payment by Homeowner and City of Columbus.**

Homeowner, Contractor and City agree that time is of the essence under this Agreement. Contractor, Homeowner and City have agreed to the time of completion and payment terms set forth in section 2 and 4, respectively, of this agreement. Contractor, Homeowner and City agree that the payments set forth in this Agreement shall be made to Contractor upon Contractor meeting the targets set forth and agreed to in this agreement. In the event that Homeowner fails to make a scheduled payment for more than 30 days after that payment becomes due, such failure shall constitute a material breach of this Agreement. In the event that Contractor fails to meet the deadlines set forth in section 2 of this agreement for a period of 30 days and a Change Order and/or Modification to this Agreement has not been obtained, such failure shall constitute a material breach of this Agreement.

**7. Termination Provision**

This agreement can be terminated by either party at any time during the period of the agreement by providing written notice to other parties. Termination may be for cause, including violation or breach of contract terms, or for the convenience of the parties. The homeowner and city agrees that upon such termination, the contractor is paid for all work completed (as verified by the inspector) until the effective date of termination.

**8. General Provisions**

In addition to the provisions set forth above, the following general provisions shall also apply:

- a. All work shall be performed and completed in a workman-like manner and shall comply with all building codes and other applicable laws.
- b. Contractor shall furnish the City detailed materials lists showing and detailing all equipment and construction materials to be used, a description of all work to be completed and a description of all materials and equipment to be used or installed and stating the agreed upon Agreement Price.
- c. All work shall be performed by duly licensed and legally authorized individuals to the extent required by law.
- d. Contractor shall be fully responsible for payment in full to all subcontractors engaged by in the completion of the work under this Agreement and Contractor shall remain solely liable and responsible for all work completed under this Agreement.
- e. Contractor shall furnish Homeowner all releases or lien waiver documents for all work performed or materials used in completion of this Agreement at the time that the scheduled payment from Homeowner is due

- f. Contractor warrants to Homeowner and the City that it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of Contractor or Contractors employees or subcontractors.
- g. Contractor shall obtain all necessary permits for the work to be performed under this Agreement at Contractor's sole expense and shall provide proof of such documents to Homeowner and City prior to commencing the work under this Agreement.
- h. Contractor shall remove all debris and leave the premises in broom clean condition.
- i. Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, natural disaster or casualty.
- j. If applicable, a minimum of 10% of the total contract will be held from the contractor until the city receives a clearance report detailing that the levels of lead are within the acceptable range.
- k. All work performed (labor and material) under this Agreement is guaranteed for a minimum of one year.

#### **9. Severability**

In case any provision of this Agreement shall be invalid, illegal or unenforceable, such provision shall be construed so as to render it enforceable and effective to the maximum extent possible in order to effectuate the intention of this Agreement; and if such provision shall be wholly invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

#### **10. Titles and Subtitles**

The titles of the Articles and Sections of this Agreement are for convenience of reference only and are not to be considered in construing this Agreement.

#### **11. Dispute Mediation**

Contractor, Homeowner and City mutually agree that all disputes arising under this Agreement shall be resolved under provision of Rule 8 (Optional Early Mediation) of the Rules for Alternative Dispute Resolution as promulgated by the Indiana Supreme Court on July 19, 2002.

## **12. Entire Agreement**

This Agreement constitutes the full and entire understanding and agreement between Contractor, Homeowner and City with regard to the subjects hereof and supersedes all prior written communications, proposals, understandings, course of dealing, agreements, contracts, and the like between the Contractor, Homeowner and City.

## **13. Modification and Change Orders**

Neither this Agreement nor any term hereof may be amended, waived, discharged or terminated, except by a writing signed by the Contractor, Homeowner, and City.

## **14. Jointly Drafted**

This Agreement shall be deemed to have been drafted by all parties, and in the event of a dispute, shall not be construed against either party.

## **15. Funding:**

This project is funded by The Department of Housing and Urban Development (HUD) Community Development Block Funds. The city representative contact will be Judy Johns-Jackson Community Development Director and Carrie Riley from Administrative Resources association for program delivery and grant administration questions.

# **FEDERAL CONTRACT PROVISIONS**

## **16. Equal Employment Opportunity**

The contractor and any subcontractors shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

## **17. Rights to Inventions Made Under a Contract or Agreement**

Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Invention Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

## **18. Clean Air Act (42 U. S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended**



For contracts and subcontracts of amounts in excess of \$100,000 the contractor or subcontractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Agency (EPA).

**19. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)**

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

**20. Debarment and Suspension (E.O.s 12549 and 12689)**

No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

**21. Conflict of Interest (24 CFR 85.36 AND 24 CFR 570.611)**

Contractor shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by federal funds. No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Persons covered under this section include any person who is: (a) An employee, agent, consultant, officer, or elected or appointed official of the City, any designated public agency or any subrecipient agency that is receiving CDBG funds from HUD; (b) Any member of his/her immediate family; (c) His or her partner; or (d) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. Contractor's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements funded with CDBG funds. To the extent permitted by state or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations

of such standards by the grantee's officers, employees, or agents or by contractors or their agents.

No persons described in (a) through (d) above who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter.

## **22. Retention and access to records (24 CFR PART 85.42)**

Contractor shall comply with Retention and Access Requirements For Records (24 CFR Part 85.42) and State of Indiana records access and retention requirements, to wit: Financial records, supporting documents, statistical records and all other records pertinent to a grant shall be retained for a period of five (5) years, with the following qualifications: (1) If any litigation, claim, negotiation, audits or other action is started before the expiration of the five-year period, the records shall be retained until all litigation, claim or audit findings involving the records have been resolved, or the five-year period, whichever is later; (2) Records of nonexpendable property acquired with federal funds shall be retained for five years after final disposition of such property; (3) When records are transferred to or maintained by the federal sponsoring agency, the five-year retention required is not applicable to the City. The five-year retention period starts from the date of issuance of a Substantial Completion.

The United States Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of grantee and sub-grantees to make audits, examinations, excerpts and transcripts.

Unless otherwise required by law, HUD shall not place restrictions upon grantees that will limit public access to the records of grantees that are pertinent to a grant except when the agency can demonstrate that such records must be kept confidential and would have been excepted from disclosure pursuant to the Freedom of Information Act (5 USC 552) if the records had belonged to the grantor agency

# Columbus Housing Improvements Program

## Construction Agreement

### Contractor

### Home Owner

Signature \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, \_\_\_\_\_

Zip: \_\_\_\_\_

Phone#: \_\_\_\_\_

Signature \_\_\_\_\_

Print

Name: \_\_\_\_\_

John Oquist

Date: \_\_\_\_\_

Address: \_\_\_\_\_

445 McClure Road Ave.

City, State, \_\_\_\_\_

Zip: \_\_\_\_\_

Columbus, IN 47201

Phone#: \_\_\_\_\_

812-657-3168

Signature \_\_\_\_\_

Print

Name: \_\_\_\_\_

City of Columbus

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Carl Malysz, Community Development  
Director

Date: \_\_\_\_\_



**Columbus Indiana**  
Unexpected. Unforgettable.



**John Oquist**  
**445 McClure Road**  
**Columbus, IN 47201**

**BORROWER'S NAME AND ADDRESS**

"I" includes each borrower above, jointly and severally.

**City of Columbus**  
**123 Washington Street**  
**Columbus, IN 47201**

**LENDER'S NAME AND ADDRESS**

"You" means the lender, its successors and assigns.

Loan Number **CHIP 91**  
Date \_\_\_\_\_  
Maturity Date **October 1, 2017**  
Loan Amount \$ **\$00000**  
Renewal Of \_\_\_\_\_

For value received, I promise to pay to you, or your order, at your address listed above the **PRINCIPAL** sum of **0000000000 & 00/100**

Dollars **\$0000.00**

☐ **Single Advance:** I will receive all of this principal sum on \_\_\_\_\_ additional advances are contemplated under this note.

☒ **Multiple Advance:** The principal sum shown above is the maximum amount of principal I can borrow under this note. On **September 11, 2014**

I will receive the amount of \$ **no dollars** and future principal advances are contemplated.

Conditions: The conditions for future advances are **the 100% completion of approved improvements**

☐ **Open End Credit:** You and I agree that I may borrow up to the maximum amount of principal more than one time. This feature is subject to all other conditions and expires on \_\_\_\_\_.

☒ **Closed End Credit:** You and I agree that I may borrow up to the maximum only one time (and subject to all other conditions)

**INTEREST:** I agree to pay interest on the outstanding principal balance from **NA** at the rate of **NA** % per year until \_\_\_\_\_.

☐ **Variable Rate:** This rate may then change as stated below.

☐ **Index Rate:** The future rate will be \_\_\_\_\_ the following index rate: \_\_\_\_\_

☐ **No Index:** The future rate will not be subject to any internal or external index. It will be entirely in your control.

☐ **Frequency and Timing:** The rate on this note may change as often as \_\_\_\_\_.

A change in the interest rate will take effect \_\_\_\_\_.

☐ **Limitations:** During the term of this loan, the applicable annual interest rate will not be more than \_\_\_\_\_ % or no less than \_\_\_\_\_ %.

The rate may not change more than \_\_\_\_\_ % each \_\_\_\_\_.

☐ **Effect of Variable Rate:** A change in the interest rate will have the following effect on the payments:

☐ The amount of each scheduled payment will change. ☐ The amount of the final payment will change.

☐ \_\_\_\_\_

**ACCRUAL METHOD:** Interest will be calculated on a **NA** basis.

**POST MATURITY RATE:** I agree to pay interest on the unpaid balance of this note owing after maturity, and until paid in full, as stated below:

☐ on the same fixed or variable rate basis in effect before maturity (as indicated above).

☐ at a rate equal to \_\_\_\_\_.

☒ **LATE CHARGE:** If a payment is made more than **10** days after it is due, I agree to pay a late charge of **\$5.00**

☐ **ADDITIONAL CHARGES:** In addition to interest, I agree to pay the following charges which ☐ are ☐ are not included in the principal amount above:

**None**

**PAYMENTS:** I agree to pay this note as follows:

☐ **Interest:** I agree to pay accrued interest \_\_\_\_\_

☐ **Principal:** I agree to pay the principal \_\_\_\_\_

☒ **Installments:** I agree to pay this note in **36** payments. The first payment will be in the amount of \$ **0000.00**

and will be due **10/1/14**. A payment of \$ **000.00** will be due \_\_\_\_\_

**the first of each month** thereafter. The final payment of the entire unpaid balance of principal and interest will be due

**10/1/17**

☐ **Unpaid Interest:** Any accrued interest not paid when due (whether due by reason of a schedule of payments or due because of Lender's demand) will become part of the principal thereafter, and will bear interest at the interest rate in effect from time to time as provided for in this agreement.

ADDITIONAL TERMS:

Each installment due as provided for above will be waived and forgiven upon its due date if at that time I continue to own, occupy and maintain adequate insurance on the home. If I sell the property, convert it to a rental unit, or discontinue insurance coverage, I understand that the non-forgiven balance is immediately due and payable. I agree that this note is separately secured by a mortgage of even date herewith.

☒ **SECURITY:** This note is separately secured by (describe separate document by type and date):

**Mortgage dated 9/11/14**

(This section is for internal use. Failure to list a separate security document does not mean the agreement will not secure this note.)

**PURPOSE:** The purpose of this loan is \_\_\_\_\_

**Housing rehabilitation**

**SIGNATURES: I AGREE TO THE TERMS OF THIS NOTE (INCLUDING THOSE ON PAGE 2).** I have received a copy on today's date.

Signature for Lender

\_\_\_\_\_  
**John Oquist**

\_\_\_\_\_  
**Carl Malysz, Community  
Development Director**





**DEFINITIONS:** As used on page 1, "[x]" means the terms that apply to this loan. "I," "me" or "my" means each Borrower who signs this note and each other person or legal entity (including guarantors, endorser, and sureties) who agrees to pay this note (together referred to as "us"). "You" or "your" means the Lender and its successors and assigns.

**APPLICABLE LAW:** The law of the state of Indiana will govern this note. Any term of this note which is contrary to applicable law will not be effective, unless the law permits you and me to agree to such a variation. If any provision of this agreement cannot be enforced according to its terms, this fact will not affect the enforceability of the remainder of this agreement. No modification of this agreement may be made without your express written consent. Time is of the essence in this agreement.

**COMMISSIONS OR OTHER REMUNERATION:** I understand and agree that any insurance premiums paid to insurance companies as part of this note will involve money retained by you or paid back to you as commissions or other remuneration.

In addition, I understand and agree that some other payments to third parties as part of this note may also involve money retained by you or paid back to you as commissions or other remuneration.

**PAYMENTS:** Each payment I make on this note will first reduce the amount I owe you for charges which are neither interest nor principal. The remainder of each payment will then reduce accrued unpaid interest, and then unpaid principal. If you and I agree to a different application of payments, we will describe our agreement on this note. I may prepay a part of, or the entire balance of this loan without penalty, unless we specify to the contrary on this note. Any partial prepayment will not excuse or reduce any later scheduled payment until this note is paid in full (unless, when I make the prepayment, you and I agree in writing to the contrary).

**INTEREST:** Interest accrues on the principal remaining unpaid from time to time, until paid in full. If I receive the principal in more than one advance, each advance will start to earn interest only when I receive the advance. The interest rate in effect on this note at any given time will apply to the entire principal advanced at that time. You and I may provide in this agreement for accrued interest not paid when due to be added to principal. Notwithstanding anything to the contrary, I do not agree to pay and you do not intend to charge any rate of interest that is higher than the maximum rate of interest you could charge under applicable law for the extension of credit that is agreed to here (either before or after maturity). If any notice of interest accrual is sent and is in error, we mutually agree to correct it, and if you actually collect more interest than allowed by law and this agreement, you agree to refund it to me. **INDEX RATE:** The index will serve only as a device for setting the rate on this note. You do not guarantee by selecting this index, or the margin, that the rate on this note will be the same rate you charge on any other loans or class of loans to me or other borrowers.

**ACCRUAL METHOD:** The amount of interest that I will pay on this loan will be calculated using the interest rate and accrual method stated on page 1 of this note. For the purpose of interest calculation, the accrual method will determine the number of days in a "year." If no accrual method is stated, then you may use any reasonable accrual method for calculating interest. **POST MATURITY RATE:** For purposes of deciding when the "Post Maturity Rate" (shown on page 1) applies, the term "maturity" means the date of the last scheduled payment indicated on page 1 of this note or the date you accelerate payment on the note, whichever is earlier.

**SINGLE ADVANCE LOANS:** If this is a single advance loan, you and I expect that you will make only one advance of principal. However, you may add other amounts to the principal if you make any payments described in the "PAYMENTS BY LENDER" paragraph below, or if we have agreed that accrued interest not paid when due may be added to principal. **MULTIPLE ADVANCE LOANS:** If this is a multiple advance loan, you and I expect that you will make more than one advance of principal. If this is closed end credit, repaying a part of the principal will not entitle me to additional credit.

**PAYMENTS BY LENDER:** If you are authorized to pay, on my behalf, charges I am obligated to pay (such as property insurance premiums), then you may treat those payments made by you as advances and add them to the unpaid principal under this note, or you may demand immediate payment of the charges.

**SET-OFF:** I agree that you may set off any amount due and payable under this note against any right I have to receive money from you. "Right to receive money from you" means:

- (1) any deposit account balance I have with you;
- (2) any money owed to me on an item presented to you or in your possession for collection or exchange; and
- (3) any repurchase agreement or other nondeposit obligation.

"Any amount due and payable under this note" means the total amount of which you are entitled to demand payment under the terms of this note at the time you set off. This total includes any balance the due date for which you properly accelerate under this note.

If my right to receive money from you is also owned by someone who has not agreed to pay this note, your right of set-off will apply to my interest in the obligation and to any other amounts I could withdraw on my sole request or endorsement. Your right of set-off does not apply to an account or other obligation where my rights are only as a representative. It also does not apply to any Individual Retirement Account or other tax-deferred retirement account.

You will not be liable for the dishonor of any check when the dishonor occurs because you set off this debt against any of my accounts. I agree to hold you

harmless from any such claims arising as a result of your exercise of your right of set-off.

**REAL ESTATE OR RESIDENCE SECURITY:** If this note is secured by real

estate or a residence that is personal property, the existence of a default and your remedies for such a default will be determined by applicable law, by the terms of any separate instrument creating the security interest and, to the extent not prohibited by law and not contrary to the terms of the separate security instrument, by the "Default" and "Remedies" paragraphs herein. **DEFAULT:** I will be in default if any one or more of the following occur: (1) I fail to make a payment on time or in the amount due; (2) I fail to keep the property insured, if required; (3) I fail to pay, or keep any promise, on any debt or agreement I have with you; (4) any other creditor of mine attempts to collect any debt I owe him through court proceedings; (5) I die, am declared incompetent, make an assignment for the benefit of creditors, or become insolvent (either because my liabilities exceed my assets or I am unable to pay my debts as they become due); (6) I make any written statement or provide any financial information that is untrue or inaccurate at the time it was provided; (7) I do or fail to do something which causes you to believe that you will have difficulty collecting the amount I owe you; (8) Any collateral securing this note is used in a manner or for a purpose which threatens confiscation by a legal authority; (9) I change my name or assume an additional name without first notifying you before making such a change; (10) I fail to plant, cultivate and harvest crops in due season; (11) any loan proceeds are used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 C.F.R. Part 1940, Subpart G, Exhibit M.

**REMEDIES:** If I am in default on this note you have, but are not limited to, the following remedies:

- (1) You may demand immediate payment of all I owe you under this note (principal, accrued unpaid interest and other accrued charges).
- (2) You may set off this debt against any right I have to the payment of money from you, subject to the terms of the "Set-Off" paragraph herein.
- (3) You may demand security, additional security, or additional parties to be obligated to pay this note as a condition for not using any other remedy.
- (4) You may refuse to make advances to me or allow purchases on credit by me.
- (5) You may use any remedy you have under state or federal law.

By selecting any one or more of these remedies you do not give up your right to later use any other remedy. By waiving your right to declare an event to be a default, you do not waive your right to later consider the event as a default if it continues or happens again.

**COLLECTION COSTS AND ATTORNEY'S FEES:** I agree to pay all costs of collection, replevin or any other or similar type of cost if I am in default. In addition, if you hire an attorney to collect this note, I also agree to pay any fee you incur with such attorney plus court costs (except where prohibited by law). To the extent permitted by the United States Bankruptcy Code, I also agree to pay the reasonable attorney's fees and costs you incur to collect this debt as awarded by any court exercising jurisdiction under the Bankruptcy Code.

**WAIVER:** I give up my rights to require you to do certain things. I will not require you to:

- (1) demand payment of amounts due (presentment);
- (2) obtain official certification of nonpayment (protest); or
- (3) give notice that amounts due have not been paid (notice of dishonor).

I waive any defenses I have based on suretyship or impairment of collateral. I also give up any rights I may have under any valuation and appraisal laws which apply to me.

**OBLIGATIONS INDEPENDENT:** I understand that I must pay this note even if someone else has also agreed to pay it (by, for example, signing this form or a separate guarantee or endorsement). You may sue me alone, or anyone else who is obligated on this note, or any number of us together, to collect this note. You may do so without any notice that it has not been paid (notice of dishonor). You may without notice release any party to this agreement without releasing any other party. If you give up any of your rights, with or without notice, it will not affect my duty to pay this note. Any extension of new credit to any of us, or renewal of this note by all or less than all of us will not release me from my duty to pay it. (Of course, you are entitled to only one payment in full.) I agree that you may at your option extend this note or the debt represented by this note, or any portion of the note or debt, from time to time without limit or notice and for any term without affecting my liability for payment of the note. I will not assign my obligation under this agreement without your prior written approval.

**FINANCIAL INFORMATION:** I agree to provide you, upon request, any financial statement or information you may deem necessary. I warrant that the financial statements and information I provide to you are or will be accurate, correct and complete.

**NOTICE:** Unless otherwise required by law, any notice to me shall be given by delivering it or by mailing it by first class mail addressed to me at my last known address. My current address is on page 1. I agree to inform you in writing of any change in my address. I will give any notice to you by mailing it first class to your address stated on page 1 and 2 of this agreement, or to any other address that you have designated.